

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CURTIS LYNN MORGAN,**  
**Petitioner,**

**Case No. 7:05-cv-00636**  
**Case No. 7:03-cr-00084**

**V.**

## FINAL ORDER

**UNITED STATES OF AMERICA,**  
**Respondent.**

**By: Hon. James C. Turk**  
**Senior United States District Judge**

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **GRANTED** as to his claim that counsel's action deprived him of his right to appeal petitioner's sentence imposed on October 14, 2004, in Case No. 7:03-cr-00084;
2. The clerk **SHALL** prepare a new Judgment in Case No. 7:03-cr-00084, in every respect the same as the previous Judgment except as to date of entry;
3. Upon entry of the new Judgment, the Judgment signed on October 18, 2004, and entered on October 19, 2004, shall be **VACATED**;
4. Paul Graham Beers, Esq., appointed by the court to represent the petitioner in this habeas action, **SHALL** file a Notice of Appeal on the petitioner's behalf and petitioner may pursue a motion in the Court of Appeals for appointment of counsel to assist him with the appeal; and
5. The clerk **SHALL** close this § 2255 case, nothing further remaining to be done herein, but shall docket this order and the accompanying memorandum opinion in Case No. 7:03-cr-00084.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the parties.

ENTER: This 8<sup>th</sup> day of November, 2006.

*James C. Ingh*  
Senior United States District Judge